

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
DOCKET NO. 3:20-CV-00093-FDW-DCK

AMY R. BRYAN,

Plaintiff,

vs.

ALLIED INTERSTATE LLC,

Defendant.

ORDER and
NOTICE OF HEARING

THIS MATTER is before the Court *sua sponte* as to the status of this case. Defendant filed a Notice of Settlement on October 12, 2021 (Doc. No. 34), wherein Defendant asserts that “[t]he parties are finalizing the documents and anticipate that Stipulation of Dismissal disposing of the entire action will be made within 45 days of th[e] Notice of Settlement”. (Doc. No. 34, p. 1). This matter, however, is docketed for trial beginning November 1, 2021, and nothing in the motion sought a stay or continuance of any other deadlines, including trial. Although it appears the parties will finalize the settlement process, the Court finds no sufficient basis under the current record to *sua sponte* stay deadlines or continue trial.

Accordingly, counsel is hereby advised that they are expected to appear for: (1) docket call at 9:00 a.m. on November 1, 2021; (2) a pretrial conference immediately following docket call; and (3) jury selection on November 2, 2021. The parties’ jointly-prepared pretrial submissions required under the Amended Case Management Order in this matter (Doc. No. 25) shall be due October 25, 2021. Of course, the parties can file their Stipulation of Dismissal any time, including prior to docket call, at which time the Court will remove this case from the trial calendar and

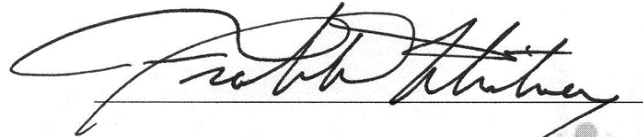
terminate the deadlines set forth herein.¹

IT IS THEREFORE ORDERED that the parties' jointly-prepared pretrial submissions shall be due October 25, 2021.

TAKE NOTICE that a pretrial conference shall take place in this matter immediately following docket call on November 1, 2021, in Courtroom #5B of the Charles R. Jonas Building, and jury selection will take place with the other matters appearing on the docket for this trial term on November 2, 2021.

IT IS SO ORDERED.

Signed: October 19, 2021


Frank D. Whitney
United States District Judge

¹ The Court notes, however, that Case Management Order in this case provides:

Whenever a civil action scheduled for a jury trial is settled or otherwise disposed of in advance of the actual trial, the Court may assess all jurors' costs (including Marshal's fees, mileage reimbursement, and per diem fees) equally against the parties or otherwise may determine appropriate assessments, unless the Clerk's office is notified at least one (1) full business day prior to the date on which the action is scheduled for trial or the parties establish good cause why the Court should not assess jury costs against them.

(Doc. No. 12, pp. 13-14). The stipulation of dismissal, if filed on October 29, 2021, must therefore be filed no later than 11:00 a.m. that day to give the Clerk of Court sufficient time during the business day to advise the jurors who are selected that they need not appear for trial on November 1, 2021.